

BOARD OF SELECTMEN

Minutes of the Meeting of 30 December 2009. The meeting took place in the Court Room, Town and County Building, 16 Broad Street, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Brian Chadwick, Michael Kopko, and Allen Reinhard. Patricia Roggeveen was absent. Chairman Kopko called the meeting to order at 6:23 PM, following meetings of the Board of Health and County Commissioners.

ANNOUNCEMENTS

Marine Superintendent Dave Fronzuto announced that the Nantucket and Madaket Harbor Plan was adopted by Commonwealth of Massachusetts on 21 December 2009.

The Board of Selectmen will be holding a public hearing regarding the FY 2011 budget on Monday, 4 January 2010 at 6:00 PM in Town Building Court Room.

PUBLIC COMMENT

Michael Getter, manager of Dune restaurant, requested the Board approve a one-day entertainment license application to allow for a DJ on the second floor for New Year's Eve, noting he was unaware a license was required to host such an event. After a brief discussion, Mr. Reinhard moved to approve the request for a one-day entertainment license for Dune; Mr. Atherton seconded. So voted 2-1. Mr. Chadwick was opposed and Chairman Kopko abstained from the vote.

APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Minutes of 2 December 2009 at 6:00 PM; 9 December 2009 at 6:00 PM; 16 December 2009 at 6:00 PM. The minutes of 2 December 2009 at 6:00 PM; 9 December 2009 at 6:00 PM; and 16 December 2009 at 6:00 PM were approved by the unanimous consent of the meeting.

Approval of Payroll Warrants for Weeks Ending 20 December 2009; 27 December 2009. The payroll warrants for weeks ending 20 December 2009 and 27 December 2009 were approved by the unanimous consent of the meeting.

Approval of Treasury Warrants for 23 December 2009; 30 December 2009 and Pending Contracts for 30 December 2009. The treasury warrants for 23 December 2009 and 30 December 2009 and pending contracts for 30 December 2009 were approved by the unanimous consent of the meeting.

CITIZEN/DEPARTMENTAL REQUESTS

Centre Street Bistro: Annual Wine/Malt Beverages Restaurant License Surrender Notification. Mr. Reinhard moved to accept the surrender of Centre Street Bistro's annual wine/malt beverages restaurant license; Mr. Atherton seconded. All in favor, so voted.

Butnell Package, Inc.: Request for Approval of Application for Pledge of Annual All-Alcoholic Package Store License. Attorney Maryanne Hanley, representing the applicant, spoke in favor of the application, noting the pledge agreement incorrectly states twice that the package store license is moving to a new building currently under construction, and that a clean, corrected copy will be delivered to the licensing agent tomorrow. Mr. Reinhard moved to approve the application for pledge of annual all-alcoholic package store license for Butnell Package, Inc.; Mr. Atherton seconded. All in favor, so voted.

Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Conveyance of Town "Yard Sale" Property Described as Portion of West Tristram Avenue, Map 32, Parcel 46, also known as Parcel N2, Pursuant to Vote on Article 118 of 2008 Annual Town Meeting and Vote of Board of Selectmen on 2 December 2009. Attorney Arthur Reade, representing the buyer, spoke in favor of the request. Mr. Reinhard and Mr. Reade spoke on the public benefits of the transaction, including putting land back on the tax rolls, extension of "One Big Beach" easements along Dionis, and a new stairway to be constructed for public access down to the beach. Mr. Reinhard moved to execute the purchase and sale agreement, quitclaim deed, and settlement statement for the portion of West Tristram Avenue known as parcel N2; Mr. Atherton seconded. All in favor, so voted.

Request for Execution of Purchase and Sale Agreements, Quitclaim Deed and Settlement Statement for Conveyance of Town "Yard Sale" Property Described as Portions of West Tristram Avenue, Map 32, Parcels 23a and 22a, also known as Parcels R1 and S1, Pursuant to Vote on Article 118 of 2008 Annual Town Meeting and Vote of Board of Selectmen on 2 December 2009. Attorney Arthur Reade, representing the buyer, spoke in favor of the request. Mr. Reinhard moved to execute the purchase and sale agreement, quitclaim deed, and settlement statement for portions of West Tristram Avenue known as parcels R1 and S1; Mr. Atherton seconded. All in favor, so voted.

Request for Award of Surplus Parcel in Connection with "Yard Sale" Program for Sherburne Turnpike P-2. Attorney Arthur Reade, representing the buyer, spoke in favor of the request. Mr. Reinhard moved to approve the award of surplus property for Sherburne Turnpike P-2; Mr. Chadwick seconded. All in favor, so voted.

TOWN MANAGER'S REPORT

Update Regarding Assessment of Privilege Fees in Connection with Surfside Wastewater Treatment Facility; Request for Issuance of Order of Assessment of Privilege Fees. Town Manager C. Elizabeth Gibson said Town Administration has been working on a letter regarding privilege fees to property owners who have connected to the Surfside Wastewater Treatment Facility as of 28 April 2005, following a Town Meeting vote which mandated that a portion of the facility upgrade and expansion be paid for by new users. She noted that the final cost of the facility upgrade is now known and results in a privilege fee of approximately \$6,300 per connection. Mr. Chadwick moved to adopt the "Order of Assessment of Privilege Fees for use of Surfside Wastewater Treatment Facility" (attached); Mr. Reinhard seconded. A discussion followed regarding how the Nantucket Sewer Act could impact privilege fees, how the debt interest will be paid, and infiltration/inflow improvement costs. On the motion, all in favor, so voted.

SELECTMEN'S REPORTS/COMMENT

Review of State Certification Process and Municipal Appropriation Requirement for Nantucket Atheneum. Nantucket Atheneum Executive Director Molly Anderson gave a presentation on the Atheneum's budget for FY 2011. Chairman Kopko disclosed that he has performed at and been paid by the Atheneum, and that he will file a formal disclosure statement with the Town Clerk. Ms. Anderson noted that the lagging economy has increased the public demand of the library's services, while revenues have decreased. She reviewed the Atheneum's cost containment measures and public library certification process, and said the library could be in jeopardy of losing its state certification if the Town does not fund it according to the Massachusetts Board of Library

Commissioners (MBLC) formula. Ms. Anderson noted that a funding waiver is being sought jointly by the Atheneum and the Town. Ms. Gibson said Town Administration's recommendation is to fund the Atheneum at the MBLC mandated amount of \$650,720; however, if additional revenue is not found or cuts not made to the Town's municipal budget, the recommendation is to reduce the amount to \$628,855. A discussion among Board members and Ms. Anderson followed. Mr. Reinhard spoke in favor of fully funding the Atheneum at the mandated level for FY 2011. Chairman Kopko took issue with the MBLC formula, noting that in better economic times the Town actually funded the Atheneum at levels higher than required and now the Town and Atheneum are being in effect "penalized" because the formula offers no flexibility in difficult economic times. Ms. Anderson said the MBLC has lifted its cap on the number of waivers it will grant for FY 2010. Mr. Atherton inquired about the number of waivers being sought across the state and the number likely to be approved. Assistant Finance Director Irene Larivee noted that the waiver process requires the Town to prove that cuts have been made across all departmental budgets and that cuts to the Atheneum have not been disproportionately made, and that feedback at this time indicates the MBLC agrees that the Town has been fair with the budget cuts for FY 2010.

FY 2011 Budget Review. Ms. Gibson said a presentation will be made on the Solid Waste Enterprise Fund (SWEF) budget at the Board's 6 January 2010 meeting and the Board will also be updated on any changes made to the projected FY 2011 General Fund budget at that time. She noted that the SWEF deficit is likely to increase by \$200,000 to \$300,000 and that a reliable funding source is needed for accelerated landfill mining. Chairman Kopko noted that at the last Ad Hoc Budget Work Group meeting, Ms. Gibson, Ms. Roggeveen, and he discussed asking the Board to make a decision on landfill mining funding for FY 2011. Ms. Gibson said Town Administration's recommendation is to fund landfill mining with Free Cash. A discussion followed on funding landfill mining costs. Mr. Atherton moved to fund landfill mining as a capital expense; Mr. Reinhard seconded. All in favor, so voted. Chairman Kopko noted the budget timeline has the Board approving the FY 2011 budget at its 6 January 2010 meeting and suggested postponing approval to its meeting of 20 January 2010. A discussion followed regarding potential comments from the Finance Committee on delaying the approval of the budget. Mr. Atherton said the Board delaying approval of the budget does not preclude the Finance Committee from starting its departmental budget review process. The Board discussed additional questions and comments on the FY 2011 budget.

The meeting was unanimously adjourned at 8:32 PM.

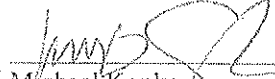
Approved the 13th day of January, 2010.


ORDER OF ASSESSMENT OF PRIVILEGE FEES FOR USE OF
SURFSIDE WASTEWATER TREATMENT FACILITY

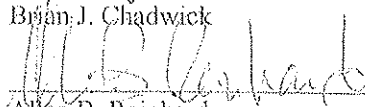
The Town of Nantucket ("Town"), acting by and through its duly elected and now serving members of its Board of Selectmen, having the powers of the Sewer Commissioners and acting pursuant to the authority of St. 2008, c. 396, § 8, G. L. c. 83, § 17 and the Town's vote on Article 4 at the Town's April 12, 2005 Special Town Meeting, having complied with all the preliminary requirements prescribed by law, having determined the cost of the improvements to the Surfside wastewater treatment facility and its appurtenant equipment, fixtures and facilities (the "Surfside Sewer System"), which improvements include among other things an increase of the capacity of the Surfside Sewer System to receive and process sewage and wastewater to accommodate new users, and having determined the amount to be paid by new users of the Surfside Sewer System, more particularly described in the Schedule of Privileged Parcels attached hereto as Exhibit A and made part hereof, for the permanent privilege for such properties to use the improved, expanded Surfside Sewer System, do hereby decree and adopt this Order ordering such owners to pay for such permanent privileges for such properties, as set forth in such Schedule of Privileged Parcels.


Adopted under seal on this 30th day of December 2009.

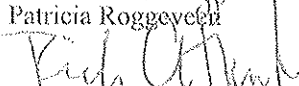
TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN


Michael Kopko


Brian J. Chadwick

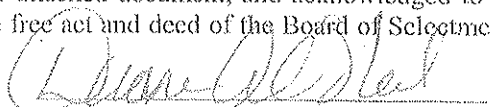

Allen B. Reinhard


Patricia Roggeveen


Rick Atherton

Commonwealth of Massachusetts
Nantucket County, ss

On this 30 day of December, 2009, before me, the undersigned notary public, personally appeared Michael Kopko, Brian J. Chadwick, Allen B. Reinhard, Patricia Roggeveen and Rick Atherton, as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.


Notary Public

My commission expires: July 21, 2011

Exhibit A
Schedule of Privileged Parcels

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